

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

CHRIS KIRK

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:05cv2177KS-JMR

LARRY DYKES, et al.

DEFENDANTS

ORDER

The plaintiff, a pretrial detainee currently incarcerated in the Jones County Detention Center, filed this complaint pursuant to 42 U.S.C. § 1983. The named defendants are: Larry Dykes, Sheriff of Jones County; Kevin Flynn, Captain; David Hare, Sargent; Carlos Martin, Officer; and 10 John Does. On April 13, 2006, the plaintiff was ordered to file a written response to provide specific information to the Court, including the names and addresses of the John Doe defendants. The plaintiff filed his written response on May 10, 2006, naming the following six individuals as John Doe defendants: Officer Reyner; Deputy Carroll Windham; Deputy Mitch Sumrall; Sargent Jason Harvey; Nurse Betty; and Sargent Hollifield. The plaintiff maintains that all of the named defendants are employees of the Jones County Sheriff's Department. Upon liberal review of the plaintiff's complaint and response along with the entire court record for this cause, it is hereby,

ORDERED AND ADJUDGED that the plaintiff within 20 days of the date of this order shall provide this court with the civil action number of every civil action or appeal which the plaintiff has had dismissed on the grounds that it is frivolous, malicious or fails to state a claim upon which relief may be granted. Plaintiff shall also provide the name of the court and name(s) of defendant(s) in each civil action identified.

IT IS FURTHER ORDERED that the following individuals should be named defendants

in place of six of the John Doe defendants: Officer Reyner; Deputy Carroll Windham; Deputy Mitch Sumrall; Sargent Jason Harvey; Nurse Betty of the Jones County Detention Center; and Sargent Hollifield. The address for each of these defendants is: Jones County Detention Center; 5178 Hwy 11 North, Ellisville, Mississippi 39437. Even though the plaintiff has not provided the full names of Officer Reyner, Sargent Hollifield and Nurse Betty of the Jones County Detention Center, the Court will allow the addition of these defendants at this time. If there is more than one individual at the Jones County Detention Center that may be identified as Officer Reyner, Sargent Hollifield or Nurse Betty, the summons may be returned unexecuted.

IT IS FURTHER ORDERED that the United States District Clerk is directed to issue summons to each of the named defendants, requiring a response to the complaints. The defendants shall also file a response to the plaintiff's motion for a temporary restraining order [doc.9]. The Clerk is directed to attach a copy of this Order to each complaint [doc.1], response [doc. 17] and motion for temporary restraining order [doc.9], memorandum in support of motion [doc. 10] and response in support of motion [doc. 11] that will be served on the named defendants. The United States Marshal shall serve the same pursuant to 28 U.S.C. § 1915(d).

The plaintiff is advised that summons will not be ordered to issue for the four remaining John Doe defendants at this time. Once the plaintiff has determined the proper name and address of the remaining John Doe defendants, he must file a motion with this court requesting that process be ordered to issue for these defendants. This motion must contain the proper name of the John Doe defendants and well as their complete address.

IT IS FURTHER ORDERED that each defendant file his or her answer or other responsive pleading in this cause in accordance with the *Federal Rules of Civil Procedure* and

the Local Rules of this Court.

IT IS FURTHER ORDERED that subpoenas shall not be issued except by order of the Court. The United States District Clerk shall not issue subpoenas upon request of the pro se litigant, but shall instead forward the request to the Magistrate Judge assigned to this cause for review. The plaintiff shall submit all request for the issuance of subpoenas to this office for review.

IT IS FURTHER ORDERED that *all discovery is to be completed 90 days from the time issue is joined by the filing of an answer. All dispositive motions shall be filed 120 days from the time issue is joined by the filing of an answer.*

IT IS FURTHER ORDERED that *the counsel for the defendants shall submit a Scheduling Order in accordance with the dates set out above for completing discovery and filing all dispositive motions within 15 days from the date of the Answer.*

The plaintiff should understand that this Order allowing process to issue against the above named defendants does not reflect any opinion of this Court that the claims contained in the complaint will or will not be determined to be meritorious.

It is the plaintiff's responsibility to prosecute this case. Failure to advise this Court of a change of address or failure to comply with any Order of this Court will be deemed as a purposeful delay and contumacious act by the plaintiff and may result in the dismissal of this case.

THIS the 11th day of July, 2006.

s/John M. Roper
CHIEF MAGISTRATE JUDGE